

1 Don Howarth, State Bar No. 53783
2 Suzelle M. Smith, State Bar No. 113992
3 HOWARTH & SMITH
4 523 West Sixth Street, Suite 728
5 Los Angeles, California 90014
6 Telephone: (213) 955-9400
7 Facsimile: (213) 622-0791
8 Email: dhowarth@howarth-smith.com

9 Attorneys for Defendant
10 THE PROCTER & GAMBLE COMPANY

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 ROBERT PAYNE and STEVE
14 BARTILUCCI,

15 Plaintiffs,

16 vs.

17 MENU FOODS, INC., a New Jersey
18 corporation, PETCO ANIMAL SUPPLIES,
19 INC.; a Delaware corporation, SAFEWAY,
20 INC.; a Delaware corporation, THE
21 PROCTER & GAMBLE COMPANY, a Ohio
22 corporation, and DOES 1 through 50,

23 Defendants.

24) **CASE NO. 07cv0705 JAH(GAB)**

25) Honorable John A. Houston

26) **JOINT MOTION FOR EXTENSION**
27) **OF TIME TO FILE RESPONSIVE**
28) **PLEADING**

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1 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District
2 Court, Southern District of California, Defendant The Procter & Gamble Company
3 (“Defendant”) and Plaintiffs Robert Payne and Steve Bartilucci (“Plaintiffs”), hereby jointly
4 move for an order extending the time for Defendant to file its response to Plaintiffs’
5 Complaint. The parties have filed previous joint motions to extend Defendant’s time to
6 respond, first until May 29 and again until June 11, which the Court granted. The parties
7 hereby jointly request that the deadline for filing Defendant’s First Responsive pleading now
8 be extended from June 11, 2007 to July 31, 2007.

9 Good cause exists for granting an extension. There is a Motion to Stay All
10 Proceedings, filed by Menu Foods, Inc., and joined by Defendants The Procter & Gamble
11 Company and Petco Animal Supplies, Inc., currently pending before the Court. The hearing
12 on the Motion to Stay was set for May 31, 2007 at 3:00pm. The hearing was vacated by
13 order of the Court and the Motion was taken under submission without oral argument.
14 Plaintiffs then filed an objection to the Motion to Stay, asking that the Court either deny the
15 motion, provide counsel the opportunity for oral argument, or take the matter under
16 submission until such a time as a ruling has been issued by the Judicial Panel on
17 Multidistrict Litigation (“MDL Judicial Panel”). Since the Court’s ruling on the Motion to
18 Stay would govern all parties and proceedings in the case, Defendant seeks a further
19 extension of time to file its responsive pleading until a date after the Court rules on the
20 Motion to Stay.

21 In addition, there was a May 31, 2007 hearing before the MDL Judicial Panel on
22 several pending Motions for Transfer and Coordination or Consolidation of Related Actions,
23 which if granted would consolidate and transfer this case to another forum. The opportunity
24 to avoid potentially duplicative and unnecessary hearings and efficiently decide this and
25 other cases against the named defendants justifies awaiting the decision from the MDL
26 Judicial Panel before proceeding further in this litigation. The Judicial Panel is expected to
27 issue a decision in July 2007.

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1 For the foregoing reasons, the parties hereto ask for an extension of time for
2 Defendant The Procter & Gamble Company to file its first responsive pleading so that it
3 would be due on or before July 31, 2007.
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5 Dated: June 8, 2007

HOWARTH & SMITH

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7 s/Don Howarth

Don Howarth

Attorneys for Defendant

The Procter & Gamble Company
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10 Dated: June 8, 2007

CLASS ACTION LITIGATION GROUP

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12 s/Katherine J. Odenbreit

Katherine J. Odenbreit, Esq.

Attorneys for Plaintiffs

Robert Payne and Steve Bartilucci
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CERTIFICATE OF SERVICE

I certify that on June 8, 2007, I caused the following document:

JOINT MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING
to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Susan Moriarty Hack at hack@higgslaw.com

**Richard Mark Segal at richard.segal@pillsburylaw.com;
charles.sandlin@pillsburylaw.com**

**Katherine J. Odenbreit at kjodenbreit@yahoo.com
dhilive@yahoo.com**

Eric Benink at eric@kkbs-law.com

**Rene Lynn Barge at kodenbreit@class-action-attorneys.com;
Secretary@class-action-attorneys.com**

Michael P. Turiello at mturiello@pretzel-stouffer.com

I further certify that I caused a copy of the foregoing document and the notice of electronic filing to be mailed by first class mail, postage prepaid, to the following non-ECF participants:

**Priya Jesani, Esq.
Edward B Ruff, III, Esq.
PRETZEL AND STOUFFER CHARTERED
One Wacker Drive
Suite 2500
Chicago, IL 60606**

Dated: June 8, 2007

s/Don Howarth

Don Howarth